IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 322/2003.

1. Shri Vinayak Narahari Shet
Shriodkar, aged 60 years,
agriculturist, residing at
Bazar, Valpoi, Sattari, Goa.

2. Smt. Laxmi Vinayak Shet
Shirodkar, of major age,
housewife,
r/o. Bazar, Valpoi, Sattari, Goa. ..... Petitioners.

V/s.

1. Shri Gajanand Uttam Shet
Shirodkar, of major age,
agriculturist, r/o. H.No.856,
Village Veluz, Valpoi,
Sattari, Goa.

2. Smt. Rekha Devidas Shirodkar,
of major age, housewife,
r/o. Valpoi, Sattari, Goa.

3. Smt. Anandi Gokuldas Shet
Shirodkar, of major age,
housewife, r/o. Valpoi,
Sattari Taluka, Goa. ..... Respondents.

Mr. R.S. Parsekar, Advocate for the petitioners.

Mr. Shivan S. Dessai, Advocate for the respondents.

CORAM : F.I. REBELLO, J.

DATE : JULY 25, 2003.

ORAL JUDGMENT :

Rule, the respondents waive service. Heard forthwith. Considering the facts and circumstances, the respondents have no objection if the impugned Order is set aside, however, as a last opportunity, on

condition that the petitioners will not ask for any further adjournment and will produce their all other witnesses and make them available for cross examination on the dates fixed by the learned trial Court.

2. In the light of that, the following Order :

The impugned order is set aside for the reasons afore-stated. The trial Court is directed to give an opportunity to the petitioners herein to produce his witness for cross examination and also other witnesses. It is however, made clear that no further adjournment will be granted to the petitioner in the event they do not keep the witness available for cross examination. Writ Petition is disposed of. No order as to costs.

F.I. REBELLO, J.

ssm.